

#### **REMARKS**

The Examiner has considered the Applicants response and has made final the rejection of claims 1-9 under 35 U.S.C. 103(a) as unpatentable over Bohannon, Jr. in view of Lancaster and Freed, relying on the position asserted in the first Office 5 Action. In this rejection, the Examiner notes the Applicants' previous arguments are not commensurate with the claims.

While the Applicants continue to traverse the rejection for obviousness, claim 1 has been amended, so that the claims may comport with the distinguishing arguments and define patentable subject matter over the art. The Examiner has also 10 noted that arguments were not provided against the Lancaster reference, which the Applicants have addressed in this response.

In the previous response, the Applicants argued that their turf reinforcement mat is not used by mixing it into or burying it in soil but rather on top of soil, where vegetation is allowed to grow through it, eventually to control 15 erosion. During growth of the vegetation, the mat assists growth by retarding the energy of flowing water over and through the mat. Furthermore, in distinction to Bohannon, the Applicants' invention, employs a non-woven mat of multi-lobed fibers to break up the flow and energy of water. These non-woven mats will not deform or disassemble when encountering moving water but rather, allow the water to pass 20 through at a slower speed, less energy, and as a result, less underlying soil is eroded, vegetation is not ripped from the soil and, silt particles, moving at a lower velocity, can deposit out of the water and onto the fibers, which results in an accretion rather than erosion.

The mat of multi-lobed fibers employed by the Applicants is not 25 suggested by Freed. Freed not only did not employ a mat, but only fibers, Freed required the fibers to be buried. Buried, they improved soil cohesion but did not function to slow down the flow of water or retain soil particles. Typically, water is not flowing beneath soil, it flows over soil as excess water or drainage.

The Applicants contend that there is no suggestion in Bohannon to select 30 a multi-dimensional fiber to manufacture a non-woven mat as a component of a turf

reinforcement mat. Neither, does Freed suggest that such fibers could or should be used to make a non-woven mat. Accordingly, the Applicants continue to assert that there is no incentive for the combination of Freed with Bohannon.

As noted above, claim 1 has been amended and now recites that the mat  
5 is placed on top of soil and that the non-woven mat of multi-dimensional fibers provides greater entanglement than one-dimensional e.g., round fibers, employed by Bohannon and Lancaster, and that these fibers break up the flow and energy of water as it passes over the soil and the mat.

With respect to Lancaster, it was originally cited by the Examiner as a  
10 composite matting, including a bottom netting, fiber matrix, top netting and stitching to hold the components together. While the Applicants employ a yarn to stitch their components together, they contend the other differences recited in claim 1 are not suggested by the combination of Bohannon, Freed and Lancaster. Merely applying stitching to the product does not overcome the failure of Bohannon and  
15 Freed to suggest the Applicants' turf reinforcement mat.

In conclusion, the Applicants have amended claim 1 in a manner that addresses the Examiner's comments that the Applicants arguments had not comported with the claims. Although this amendment is made after Final, the Applicants believe that no new matter has been introduced and that further  
20 searching is not required. Accordingly, the Applicants again respectfully request the Examiner to reconsider the rejection for obviousness and a formal Notice of Allowance of claims 1-9 is earnestly solicited. In the event the Examiner would care to discuss the art or the invention further, the undersigned attorney would welcome a telephone call.

This response is filed within two months from the date of the Final Action and no additional claims have been added; hence, no fees are due at this time.

Respectfully submitted,

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